

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION

STEPHEN McCOLLUM and )  
SANDRA McCOLLUM, )  
individually and as )  
independent administrator )  
of the Estate of LARRY ) Civil Action  
GENE McCOLLUM, )  
                            ) Number 4:14-CV-3253  
                            )  
                            Plaintiffs, )  
                            )  
vs. )  
                            )  
                            )  
BRAD LIVINGSTON, JEFF )  
PRINGLE, RICHARD CLARK, )  
KAREN TATE, SANDREA )  
SANDERS, ROBERT EASON, )  
THE UNIVERSITY OF TEXAS )  
MEDICAL BRANCH and THE )  
TEXAS DEPARTMENT OF )  
CRIMINAL JUSTICE, )  
                            )  
                            Defendants. )

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ORAL AND VIDEOTAPED DEPOSITION OF

BRYAN COLLIER

MARCH 30, 2016

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10 ALSO PRESENT:

11 Ms. Shanna Molanre  
Ms. Ashley Palermo  
12 Mr. James Rheams  
Mr. Cody Ginsel

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Q. What's the point of the swamp cooler fans  
at the -- at the Gurney Unit?

A. To provide, one, an instant respite area  
for an offender to go stand in front of, if they  
want.

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11       Q.    Okay. I seem to recall -- you mentioned  
12 something about respite areas --

13       A.    Yes, sir.

14       Q.    -- as one of the now key -- would that be  
15 a key mitigation measure?

16       A.    Today it would be, yes, sir.

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21       Q.    Did that come after the summer of 2012?

22       A.    As far as it being part of our regular  
23 protocol, I don't -- I'm not sure it was in 2012.  
24 What I do understand is that wardens had, for some  
25 time, based upon individual unit, an individual

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1 warden used respite areas as one of the methods they  
2 employed. But systematically, we did not put that  
3 out or require it.

4 Q. Is it now systematically part of your  
5 program?

6 A. I believe so.

7 Q. Do you know when that was implemented  
8 systemwide?

9 A. I don't recall specifically when that was  
10 added.

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**Q. Sure, sure. Well, what's your  
understanding of what your current respite area  
protocol is?**

A. Current respite area could include fans  
that have the -- I said swamp cooler earlier. I'm

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1 not sure if that's the right terminology. But we do  
2 have fans that have the capability to blow water and  
3 mist through the fan. That would be an immediate  
4 respite area for offenders in a housing area.

5 Classroom space in our education  
6 building, within the medical clinic on a unit, there  
7 could be areas where an offender could come into a  
8 respite area there.

9 Q. And so what I hear you telling me is, the  
10 units that have these swamp coolers, the agency  
11 considers that, in and of itself, to be some sort of  
12 cooler area or respite area, in addition -- we'll  
13 get to the other stuff. But is that one of the  
14 things the agency considers a, quote/unquote,  
15 respite area?

16 A. If it's within the housing area, it can be  
17 considered an immediate respite area for that  
18 offender.

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24 Q.

25 If the -- is the design of the unit

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1     **the key to whether or not you choose to provide**  
2     **swamp coolers in housing areas?**

3           A. It's one of the factors you consider when  
4 you look at installing fans, ventilation systems,  
5 which ventilation system or fan would be effective  
6 based on the design. Some designs may be able to  
7 provide something like that, as well as space around  
8 that, more so than other designs.

9           **Q. Which designs -- when you say, designs,**  
10          **what are you talking about?**

11          A. In a -- for example, some of our  
12 transfer-type facility dormitories would have enough  
13 area within maybe dayroom areas, or other, where  
14 that type of -- not fan, but swamp cooler could be  
15 an effective use in that dormitory. That's also  
16 areas where the offender doesn't have the ability to  
17 plug in a personal fan.

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**Q. You've got like a \$3 billion budget.**

**Right?**

**A. That's correct.**

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Q. Okay. So at 3 o'clock in the morning your understanding from the agency is that everybody in all of the housing dorms could say, we would like to go to the designated respite areas and the officers would take every single person in the housing unit?

A. I doubt that the respite area on any facility could accommodate an entire housing area at one time.

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10       **Q.     What if they just say, I'm hot, I'd like**  
11       **to go to a cooler area?**

12       A.     If they just say, I'm hot, I want to go to  
13       a cooler area, they would ask an officer that,  
14       officer would try to ascertain, is it just a comfort  
15       issue or are they really having issues, do I need to  
16       get them to a respite area. It could be that they  
17       satisfy either/or.

18       **Q.     Let's take the situation where it's just a**  
19       **comfort issue. For comfort reasons, is it your**  
20       **understanding that people can go to the cooler**  
21       **places whenever they feel like it?**

22       A.     No, sir, not whenever they feel like it.  
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**Q. Okay. Can you tell me, if a hundred**

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1   **people wish to access respite areas at the Pack  
2   Unit, whether or not they could be accommodated?**

3           A.    I assume you're speaking at one time?

4           Q.    **All at once, yes.**

5           A.    Yes, sir. I couldn't tell you if they  
6   could or couldn't.

7           Q.    **Do you have any evidence to suggest that  
8   they could?**

9           A.    I have no evidence either way.

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2 Q. Okay. Can an officer say, you know what?

3 I don't think what you're telling me warrants a

4 respite area, and say, no, or is it -- or does the

5 officer have to take the inmate to respite,

6 regardless of what he thinks of the inmate's

7 request?

8 A. Based on unit protocol, I'm not certain.

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1 CHANGES AND SIGNATURE

2 RE: McCOLLUM v. LIVINGSTON

3 WITNESS: BRYAN COLLIER

4 PAGE/LINE CHANGE REASON

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20 I, BRYAN COLLIER, have read the foregoing  
21 deposition and hereby affix my signature that same  
22 is true and correct, except as noted above.

23 \_\_\_\_\_

24 BRYAN COLLIER

25 \_\_\_\_\_

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1 REPORTER'S CERTIFICATE

2 STATE OF TEXAS )

3 MCLENNAN COUNTY )

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5 I, Melody Renee Campbell, Certified Shorthand  
6 Reporter in and for the State of Texas, do hereby  
7 certify that the foregoing deposition is a full,  
8 true and correct transcript;

9 That BRYAN COLLIER, the witness hereinbefore  
10 named, was duly sworn by the officer and that the  
11 oral deposition was taken by the officer in machine  
12 shorthand on MARCH 30, 2016, and is a true record of  
13 the testimony given by the witness;

14 I further certify that the signature of the  
15 deponent was requested and is to be returned within  
16 30 days from date of receipt of the transcript. If  
17 returned, the attached Changes and Signature Page  
18 contains any changes and the reasons therefor;

19 That \$ \_\_\_\_\_ is the deposition  
20 officer's charges for preparing the original  
21 deposition transcript and any copies of exhibits,  
22 charged to PLAINTIFFS;

23 I further certify that I am neither counsel  
24 for, related to, nor employed by any of the parties  
25 in the action in which this proceeding was taken,

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1 and further that I am not financially or otherwise  
2 interested in the outcome of the action.

3 Subscribed and sworn to on this the 13TH day  
4 of APRIL 2016.

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6



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